APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,289	03/14/2002	Young-Don Seo	98078-88006	1120

			EXAMINER
22807	7590	01/25/2005	ASTORINO, MICHAEL C

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ART UNIT	PAPER NUMBER
3736	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	**Applicant(s)**
	10/088,289	SEO, YOUNG-DON
Office Action Summary	**Examiner**	**Art Unit**	
	Michael C Astorino	3736	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10/5/2004*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

The examiner acknowledges the applicant's response filed October 10, 2004. Presently

claims 1-17 are pending in the application. The examiner further acknowledges the applicant's

claim for foreign priority based on an application filed in Korea on 09/16/1999. It is noted, that

applicant has filed a certified copy of the 1999/39735 application as required by 35

U.S.C. 119(b). As such the previous rejection is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugarman et al.

US Patent Number 5,796,640 A.

In regards to claim 1, Sugarman et al. discloses a health management device (see

abstract, and columns 13-20), comprising:

an input part for inputting basic data of a user (figure 1);

a control part for computing an ideal body weight, a body mass index and a waist/hip

circumference ratio on the basis of the basic data, suggesting a prescription by computing an

encouraged caloric intake per day, distribution of respective nutrients and an encouraged caloric

consumption per day (columns 15-16, lines 55-67);

a memory part for storing the input content of the input part, and software and data

required for the processing to be performed by the control part (73 memory); and

an output part for outputting the basic data and a result of the processing performed by

the control part (19 display).

In regards to claim 2, Sugarman et al. discloses a health management device of claim 1,

wherein the basic data including personal data including the distinction of sex (prompt 355) and

date of birth (prompt 355, "age is synonymous with date of birth"), body data (prompt 355),

current clinical history and habits (figure 8b), the kind and amount of food taken by the user

(figure 8b), and content and hour of activities undertaken by the user (385, 387, exercise levels).

In regards to claim 3, Sugarman et al. discloses a health management device of claim 1,

wherein the control part suggests the prescription of the amount of one or more food each other

and time of activities on the remaining intake calories and respective nutrients and consumption

calories by analyzing the calories and respective nutrients already taken in and consumed by the

user by a predetermined time point in a day when the user inputs desired food or activity

contents (alarm 233, figure 6B).

In regards to claim 4, Sugarman et al. discloses wherein the body data includes past body

data, current body data, desired body data (columns 13-15), height, weight, waist size, hip size

and not a routine activity degree as factors for computing encouraged calories per day (385, 387,

exercise levels).

In regards to claim 5, Sugarman et al. discloses in a health management device including an input part for inputting basic data, a control part for suggesting a prescription on the basis of the basic data, a memory part for storing the basic data and software required for the process to be performed by the control part, and an output part for outputting a result of the process performed by the control part (see abstract, and columns 13-20), a health management method comprising the steps of:

storing the basic data input in the input part by a user (73);

providing functions of the health management device selected by the user (see keypad, figure 1);

computing total calories taken in a day (59);

performing a function for computing total calories consumed by activities in a day on the basis of the basic data (385);

performing a function for outputting a current body weight status on the basis of the basic data (figure 8A and 8B);

performing a function for assessing a current body weight level with relation to a desired body weight or an ideal body weight or an ideal body weight respectively set by the user and assessing how much the current body weight reaches the desired body weight or the ideal body weight (figure 8A and 8B);

estimating a body weight of the user after a predetermined time period on the basis of the caloric intake per day and the caloric consumption per day from a predetermined time point in the past to the present (figure 8A and 8B); and

estimating a controllable body weight from the present to a desired period or a period to

reach a desired body weight according to whether the user selects and inputs a desired

period or a desired body weight (figure 8A and 8B).

Additionally claims 6-9 are rejected by (figure 8A and 8B).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

Claims 10-13, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown

US Patent Number 5,899,855.

In regards to claim 10, Brown discloses a health management device including an input

part for inputting basic data, a control part for suggesting a prescription on the basis of the basic

data, a memory part for storing the basic data and software and data required for the process to

be performed by the control part, an output part for outputting a result of the process performed

by the control part, a data conversion device and a data transmitting and receiving device using

at least wire or wireless cable, health management system (see abstract) comprising:

A network for transmitting data output from the health management device (figure 1);

and

A database server (54) for storing the data transmitted via network and transmitting a prescription of a doctor (60, 64; col. 15, lines 20-32) suggested on the basis of the stored data to the health management device via the network.

In regards to claim 11, Brown discloses the health management system of claim 10, wherein the database server (54) has functions for analyzing the basic data, assessing desired body data on the basis of the basic data, and storing the result of the analysis and the assessment to transfer a prescription of a doctor to the health management device (60, 64; col. 15, lines 20-32).

In regards to claim 12, Brown discloses a health management device (see abstract) including an input part, a control part, a memory part, an output part a data conversion device and a data transmitting and receiving device, and having functions to analyze basic data and assess desired body data on the basis of the basic data and desired body data of a user for directly suggesting a prescription, to update the memory content according to the content of transmission of a database server (54), to transmit the analysis data, assessment data and the prescription performed by the health management device to the database server according to the requirement of the user, and to output a prescription of a doctor transmitted via the database server, a health management method comprising the steps of:

connecting the database server (54) to the health management device via a network (figure 1);

storing the analysis data of the basic data (54 and 10/48), the assessment data of the

desired body data, and the prescription data of the health management device transmitted from

the health management device (figure 1); and

transmitting a prescription of a doctor who inspects the analysis data of the basic data, the

assessment data of the desired body data, and the prescription data of the health management

device by the database server to the health management device, when suggesting the prescription

or updating the memory content of the health management device (60, 64; col. 15, lines 20-32).

In regards to claim 13, Mault discloses a health management device (see abstract)

including an input part, a control part, a memory part, an output part, a data conversion device

and a data transmitting and receiving device for transmitting basic data and desired body data of

a user and outputting a prescription of a doctor who reviews the data, a health management

method of claim 12, comprising the steps of:

connecting the database server (54) to the health management device via a network

(figure 1);

storing analysis data of the basic data and the desired body data transmitted from the

health management device (54, and 10/48); and

storing analysis and assessment of the basic data and the desired body data in the

database server (54) for transmitting prescription data of a doctor who inspects the stored data to

the health management device, when suggesting the prescription or updating the memory

content of the health management device (60, 64; col. 15, lines 20-32).

In regards to claim 16, Brown discloses a health management device (see abstract, figure

1 and 2) including an input part, a control part, a memory part, an output part, a data conversion

device and a data transmitting and receiving device, and having functions to analyze basic data

and assess desired body data on the basis of the basic data and desired body data of a user for

directly suggesting a prescription, to update the memory content according to the content of

transmission of a database server, to transmit the analysis data, assessment data and the

prescription performed by the health management device to the database server according to the

requirements of the user, and to output a prescription of a doctor transmitted via the database

server, a health management method comprising the steps of:

connecting the database server (54) to the health management device via a network

(figure 1);

storing analysis data of the basic data, assessment data of the desired body data, and

prescription data of the health management device transmitted from the health management

device (54);

inspecting the analysis data of the basic data, the assessment data of the desired body

data, and the prescription data of the health management device in the database server for

transmitting prescription data of a doctor or the memory content of the health management

device to the health management device (60, 64; col. 15, lines 20-32); and

transmitting a prescription of a doctor who inspects the analysis data of the basic data, the

assessment data of the desired body data, and the prescription data of the health management

device to the health management device via the database server, a network switch, a base

station control part and a base station, when suggesting the prescription or updating the memory

content of the health management device (60, 64; col. 15, lines 20-32).

Claims 14, 15, 16 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by

Brown US Patent Number 5,997,476 A.

In regards to claim 14, Brown '476 discloses a health management device (see abstract)

including an input part for inputting basic data, a control part for analyzing the basic data and

assessing the desired body data, a memory part for storing the basic data and software and data

required for the process to be performed by the control part, an output part for outputting a result

of the process performed by the control part, and a data conversion device and a wireless

transmitting and receiving device, a health management system (see abstract) comprising:

a base station for connecting to the health management device by using multi-

connection communications techniques and protocol to wirelessly connect the health

management device to a database server (figure 1 and 2, and column 4, lines 35-64);

a base station control part for managing communications frequencies between the health

management device and the base station for monitoring and controlling the base station (inherent

via wireless network);

the database server (18) for storing information on installation, management, repair,

and connection attestation in the wireless communications connection with the health

management device, and transmitting prescription data of a doctor according to the user's

basic data to the health management device by being connected to the health management

device via the base station (figures 11-12); and

a network switch for connecting the base station control part to the database server

(figures 1, 2, 11 and 12).

In regards to claim 15, Brown '476 discloses further comprising the functions of

analyzing and assessing the basic data and the desired body data on the basis of the basic data of

the user and storing the result of the analysis and the assessment, wherein the prescription of a

doctor is transmitted to the health management device (Figures 1, 2, 12, 16 and 19).

In regards to claim 16, Brown discloses a health management device (see abstract, figure

1 and 2) including an input part, a control part, a memory part, an output part, a data conversion

device and a data transmitting and receiving device, and having functions to analyze basic data

and assess desired body data on the basis of the basic data and desired body data of a user for

directly suggesting a prescription, to update the memory content according to the content of

transmission of a database server, to transmit the analysis data, assessment data and the

prescription performed by the health management device to the database server according to the

requirements of the user, and to output a prescription of a doctor transmitted via the database

server, a health management method comprising the steps of:

connecting the database server (18) to the health management device via a network

(figure 1);

storing analysis data of the basic data, assessment data of the desired body data, and

prescription data of the health management device transmitted from the health management

device (Figure 1 and 2);

inspecting the analysis data of the basic data, the assessment data of the desired body

data, and the prescription data of the health management device in the database server for

transmitting prescription data of a doctor or the memory content of the health management

device to the health management device (Figure 12, 16, 19); and

transmitting a prescription of a doctor who inspects the analysis data of the basic data,

the assessment data of the desired body data, and the prescription data of the health management

device to the health management device via the database server, a network switch, a base

station control part and a base station, when suggesting the prescription or updating the memory

content of the health management device (Figure 12, 16, 19).

In regards to claim 17, Brown '476 discloses in a health management device (see

abstract) including an input part, a control part, a memory part, an output part, a data conversion

device and a data transmitting and receiving device for transmitting basic data and desired body

data of a user and outputting a prescription of a doctor who reviews the transmitted data, a health

management method of claim 16, comprising the steps of:

wirelessly connecting the base station to the health management device by using multi-

connection communications techniques and protocols (column 4, lines 20-36);

storing the transmitted basic data and the desired body data in the database server (18);

and

performing analysis and assessment of the stored basic data and the desired body data by

the database server (18), storing the analysis and assessment results performed by the database

server, and transmitting prescription data of a doctor (columns 12, 16, 19) who inspects the

analysis and assessment results of the database server to the health management device via the

database server, the network switch, the base station control part and the base station, when

suggesting the prescription or updating the memory content of the health management device

(figures 1-2).

Response to Arguments

Applicant's arguments with respect to claims 1-17 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael C Astorino whose telephone number is 571-272-4723.

The examiner can normally be reached on Monday-Friday, 8:30AM to 3:30PM.
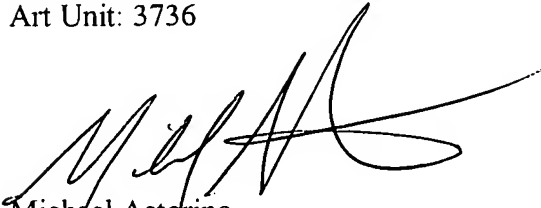
If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Max Hindenburg can be reached on 571-272-4726. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3736

Michael Astorino
January 23, 2005